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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,228	12/08/1999	GARY K. MICHELSON	101.0084-00000	7453

22882 7590 07/17/2002

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EXAMINER

SNOW, BRUCE EDWARD

ART UNIT PAPER NUMBER

3738

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The reply filed on 5/9/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In paper No. 11, applicant elected to prosecute the species 4 best shown in figure 19A. In the First Office Action, paper No. 12, the Examiner emphasized that it is applicant's responsibility to identify the claims readable thereon and asked applicant to recheck the claim listing. The Examiner gave an example, claim 104, claiming a cap as being not directed to the elected species; this just an example. Many of applicant's claims are believed not directed to the elected species. For example, claim 57 is directed to bone engaging structure 422 comprising facets 424, 452, 450, 456, 454 (shown in figure 19A) as noted by applicant in the interview. The very next claim 58 (same for new claim 204) claims that a rearward portion is perpendicular to the surface of the implant! This not the same species (emphasis added). Claims 60-61 contradict each other claiming said perpendicular angle less than 90 degrees and greater than 90 degrees. Obviously only one is not directed to the elected species.

Additionally, applicant made no attempt to point out the patentable novelty of new claims 203-243; see MPEP 714.04. Finally, applicant failed to indicate support in the disclosure for the claims, i.e., claims 204-207 (this is just an example).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to

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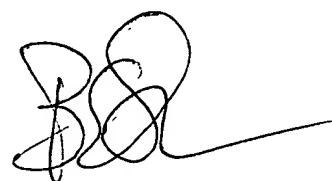
avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce E Snow whose telephone number is (703) 308-3255. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (703)308-2111. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

bes
July 16, 2002

A handwritten signature in black ink, appearing to be 'BS' followed by a long horizontal stroke.

**BRUCE SNOW
PRIMARY EXAMINER**